

**July 20, 2007**  
**Draft of new Stormwater Management Language**  
**for Grants Pass Municipal Code**

## **Article 28.090 Surface and Storm Water Management**

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### **Development Code Modifications & Exceptions**

(note: these modifications should be contained in any ordinance “boilerplate” adopting Article 28.090)

**A. Article 2.033(2) “Development Code Paving Exemptions”** is hereby amended from “greater than 1000 square feet” to “equal to or greater than 500 square feet”.

**B. Article 24.347 “Storm Water Detention and Retention”** is hereby repealed in its entirety and replaced with the following cross-reference: “See Article 28.090.”

**C. Article 25.033(4) “Drainage”** is hereby repealed in its entirety and replaced with the following cross-reference; “See Article 28.090.”

**D. Article 28.090-092 “Storm Drain Systems”** is hereby repealed in its entirety and replaced by a new Article 28.090 adopted herein by this Ordinance.

**E. Article 30 “Definitions”.** The definition of “Drainageway” contained in Article 30 does not apply to Article 28.090.

### **Municipal Code Modifications & Exceptions**

(note: these modifications should be contained in any ordinance “boilerplate” adopting Article 28.090)

**A. Title 8 “Public Services”.** Article 28.090 does not supersede or modify Title 8 “Public Services” of the City of Grants Pass Municipal Code, except that definitions in Article 28.090 and the City of Grants Pass Stormwater Management Manual shall prevail over similar definitions in Title 8 for actions governed by Article 28.090.

## **28.091 Stormwater Management Manual**

**A. Stormwater Management Manual Adopted.** The City of Grants Pass, Oregon (hereinafter “City”) Stormwater Management Manual (hereinafter “Stormwater Manual”) dated X, 2007 is hereby adopted and made part of Article 28.090 by reference. City

surface water and stormwater management standards contained in the Stormwater Manual adopted herein may be amended by City Resolution.

## **28.092 Administration**

**A. City Engineer.** The City Engineer shall be responsible for administering Article 28.090 and the Stormwater Manual. All references to City Engineer in Article 28.090 and the Stormwater Manual shall be construed as meaning the appointed City Engineer or his or her duly authorized designee.

**B. Prevailing Definitions.** For the purposes of actions governed by Article 28.090 only, the definitions contained in the Section XX of the Stormwater Manual shall prevail over similar definitions in the City Municipal Code or Article 30 of Development Code.

## **28.093 Purpose and Applicability**

**A. Purpose.** The effective management of stormwater is essential to the health and safety, protection of property and environmental quality of the City. Article 28.090 and the Stormwater Manual provide standards for stormwater management including infiltration, treatment, and detention, and acceptance and conveyance of surface water and stormwater runoff to streams, creeks, channels, and the City's storm drainage system. The standards established by Article 28.090 and the Stormwater Manual are intended to ensure stormwater associated with a use or development is managed to avoid impacts to real and personal property, public facilities, and the natural environment. The standards are intended to improve the quality of water leaving development sites and entering natural waterways and the public storm drain system; to reduce peak runoff volumes and rates to minimize the impacts of downstream flooding and erosion; and to maximize the amount stormwater that is infiltrated into the ground to recharge groundwater and moderate year-round stream flows.

**B. Consistency with City Surface Water Management Plan.** The design of stormwater facilities or systems within a use or development shall be consistent with the City's Surface Water Management Plan and the Stormwater Manual, and shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the use or development and allow extension of the stormwater system outside of the use or development. Stormwater facilities and systems within a use or development, and individual lots or parcels within a use or development, shall be designed so as to prevent the excessive flow of stormwater across property lines, sidewalks and public rights-of-way.

**C. Applicability.** All uses and developments subject to City permits or land use and development approvals, including change of use or tenant improvements, that result in new impervious surfaces of five-hundred (500) square feet or greater shall meet all requirements of Article 28.090 and the Stormwater Manual. In addition, Section 28.094 of this Article identifies requirements for certain uses or developments resulting in less than five hundred (500) square feet of new impervious surface. The City Engineer shall

approve the final measurements of impervious surface for a use or development, both new impervious square footage and the “base” impervious square footage pre-development. For the purposes of Article 28.090 and the Stormwater Manual, use or development refers to any human-induced change to improved or unimproved real estate, whether public or private, for which a City permit or land use approval is required, including but not limited to construction, installation, or expansion of buildings or other structures, land division, street construction, and other site alterations such as dredging, grading, paving, excavation, filling, or clearing.

**D. Application to City Development Code.** The requirements of Article 28.090 and the Stormwater Manual shall apply to City permits and land use approvals issued under the City Development Code, Article 17.312-.413, Land Divisions; Article 18.043, Planned Unit Developments; and Article 19.042-052, Site Developments; and to any other uses and developments permitted or approved by the City as specified in this Article or the Stormwater Manual.

**E. Phased Developments.** Uses or developments shall not be phased or segmented in such a manner to avoid the requirements of Article 28.090. The City Engineer shall make this determination.

## **28.094 Exceptions**

**A. Generally.** The City may require or permit exceptions to the requirements of Article 28.090 and the Stormwater Manual under certain circumstances, and may also deny exception requests or permit partial exceptions. Exceptions may be permitted provided that the City Engineer finds that a proposed use or development will not impair attainment of the City’s stormwater management goals and standards; that all proposed alternative on-site and/or off-site facilities and systems are designed and constructed to provide stormwater management that is equal to or greater than that which would be otherwise required by the Stormwater Manual; and that there is a legally obligated entity responsible for the operations and maintenance of the stormwater management alternative.

**B. Exception Applications.** All requests for exceptions must be approved through the processes for submittal, review and approval of stormwater plans and designs included in Article 28.090 and the Stormwater Manual. In addition, the City Engineer may require exceptions to Article 28.090 and the Stormwater Manual where such exceptions are found to better attain the City’s stormwater management goals and standards than those included in Article 28.090 and the Stormwater Manual.

**C. Permissible Exceptions.** Circumstances under which exceptions may be considered or required include but are not limited to:

1. **Developments with Limited Impervious Surfaces.** For uses and developments, including change of use and tenant improvements, resulting in less than five-hundred (500) square feet of new impervious surface, and even if a City permit or

land use approval is otherwise required, the provisions of Article 28.090 and the Stormwater Manual shall not apply, except for the development of individual lots or parcels that were part of earlier City permit or land use approval subject to the provisions of Article 28.090 and a design methodology review process described in Chapter X of the Stormwater Manual. Such individual lots or parcels shall comply with all provisions of the approved design methodology prior to issuance of new City permits or additional land use approvals, even if new impervious surfaces are less than five-hundred (500') square feet. If development of the individual lot or parcel will differ substantially from the approved design methodology, or otherwise is counter to the expected outcomes of the approved methodology, as determined by the City Engineer, an amended design methodology shall be submitted, reviewed and approved by the City Engineer.

2. **Sensitive Lands.** If the City Engineer determines that requirements in the Stormwater Manual are not feasible due to sensitive lands on or abutting the use or development site, Article 28.090 and the Stormwater Manual may apply irrespective of the amount of impervious surface created by a use or development. For the purposes of this subsection, “abutting” shall include any property within one hundred (100) feet of the development site, as measured from the two nearest property lines of the use or development site and the sensitive lands site. Sensitive lands as determined by the City Engineer may include but are not limited to wetlands, riparian areas, properties that immediately abut or contain streams or other water bodies, documented cultural resources, steep or unstable slopes, areas of unstable or erosive soils, areas of high water table, special natural hazard areas, and designated significant natural areas.
3. **High Risk Sites.** Certain uses, sites and developments have characteristics that generate, or have the potential to generate, specific pollutants of concern. Such uses, sites and developments include but are not limited to fuel dispensing facilities and surrounding traffic areas; above-ground storage of liquid materials; solid waste storage areas, containers, and trash compactors; exterior storage of bulk materials; material transfer areas and loading docks; equipment and vehicle washing facilities; land with suspected or known contaminants; and covered vehicle parking areas. The City Engineer may determine to permit such high risk sites under Article 28.090 and the Stormwater Manual or under Article 8.50 “Wastewater Pollutants” of the City Municipal Code Title 8 “Public Services”.
4. **Special Circumstances.** In addition to Sensitive Lands and High Risk Sites, Section 1.9 of the Stormwater Manual lists other special circumstances, including off-site regional facilities and “linear” developments, for which exceptions to Article 28.090 and the Stormwater Manual may be approved or required by the City Engineer.

## **28.095 Review Processes and Submittal Requirements**

**A. Approval Processes.** Except for specific processes that may be described or cross-referenced in Sections 28.093 and 28.094 of this Article, or as otherwise required by the Stormwater Manual, processes for submittal, review and approval of stormwater plans, design methodologies, and other City stormwater management practices are as follows:

**1. Subdivisions or Partitions:** Applications for subdivisions and partition shall include stormwater management plans consistent with the Presumptive or Performance Approaches as described in Chapter X of the Stormwater Manual, except that when proposed stormwater management facilities are exclusively “combined facilities” for infiltration, treatment and detention, the Simplified Approach described in Chapter X of the Stormwater Manual may be used.

- a. When a stormwater plan is required and approved for a subdivision or partition, the stormwater management facilities associated with any new public improvements shall be completed prior to final plat approval.
- b. Any facilities shared by one or more lots shall be constructed prior to final plat approval.
- c. Any private facilities located on an individual lot or parcel which will only manage stormwater for the impervious area on that lot or parcel shall at least have rough grading and temporary vegetation established prior to final plat. The operations and maintenance plan for each lot shall be recorded concurrent with the final plat. Final grading, landscaping, and irrigation may be established at the time the impervious area is created when the lot or parcel is developed. As-built drawings shall be submitted at time of final plat to show conditions at that time and at time of final inspection when the lot is developed to show final conditions
- d. Except for situations where elements of the stormwater management plan may be deferred until site plan review as specified in Subsection 3, the stormwater Plan shall provide mitigation for all public and private impervious surface areas including but not limited to streets, sidewalks, driveways, building sites, and parking, maneuvering and circulation areas on each lot or parcel, regardless of whether the subdivision or partition application is concurrent with an application for building on the individual lots at the time of the subdivision or partition application submittal.

**2. Development Application.** At the time of land use application, as part of the submittal, the applicant shall submit the following:

- a. A preliminary stormwater management plan showing the location, size, and type of proposed stormwater management facilities and include sizing calculations.
- b. Generalized landscaping plan.
- c. If the facility is required to use infiltration techniques to meet standards, the applicant shall have completed initial feasibility testing in accordance with Section X of the Stormwater Manual and submit the results.
- d. Identification of any uses or on-site facilities described in Chapter X of the Stormwater Manual which require source controls.



- e. Identification of any areas described in Chapter X of the Stormwater Manual which are proposed to discharge to a sanitary sewer system.

**3. Development Permit.** As part of fulfilling conditions of land use approval and prior to issuance of a development permit, the applicant shall submit the following:

- a. Construction drawings and calculations of proposed stormwater management facilities, including final stormwater management plan and detailed planting plan and irrigation plan, and grading plan showing all plant types, irrigation facilities, structures, piping, fencing, walls, and screening, and all other items required to demonstrate compliance with the design standards for individual facilities as described in Section X of the Stormwater Manual, including
- b. If the facility is required to use infiltration techniques to meet standards, the applicant shall have completed design testing in accordance with Section X of the Stormwater Manual and submit the results.
- c. If required by the City Engineer, a geotechnical report as specified in Section XX of the Stormwater Manual.
- d. Identification of any uses or on-site facilities described in Chapter X of the Stormwater Manual which require source controls and detailed construction drawings showing source controls.
- e. A proposed operations and maintenance plan for approval by the City Engineer. The applicant shall record the approved plan with the County Recorder's office and submit a copy to the City.

**4. Building Permit.** At time of building permit application and prior to issuance of a building permit, the applicant shall submit building plans consistent with the plans approved for the development permit.

**5. Construction.** During construction the applicant shall call for inspections for stormwater facilities in accordance with the requirements of Section X of the Stormwater Manual as specified for individual facility types, and shall not cover work until the inspection has been completed.

**6. Occupancy.** Upon completion of construction and prior to final inspection or issuance of a certificate of occupancy, the applicant shall:

- a. If the facility is required to use infiltration techniques to meet standards, the applicant shall have completed Post-Construction Testing in accordance with Section X of the Stormwater Manual, and submit the results.
- b. Submit a two (2) year maintenance guarantee for all facilities and plants installed as part of the stormwater management facility

**7. Landscape Maintenance.** For two (2) years following construction, and in accordance with Section XX of the Stormwater Manual, the responsible party for the stormwater facility shall replace any vegetation that has not survived and shall obtain approval from

the City Engineer for a revised operations and maintenance plan as necessary to correct deficiencies and ensure survival of the plant materials.

- a. The responsible party shall maintain the facility in accordance with the operations and maintenance plan and conduct inspections and keep a log as required by Chapter X of the Stormwater Manual as specified for the specific facility type and described in the operations and maintenance plan. If required by the Stormwater Manual, the responsible party shall file logs with the City as specified.
- b. The responsible party shall conduct any maintenance necessary for the proper operation of the facility upon notification by the City.

### **28.097 Private Ownership and Maintenance of Stormwater Systems**

**A. Generally.** The City Engineer may permit or require both on-site and off-site private stormwater management facilities and systems provided the applicant can establish that the proposed private facilities and systems will not impair attainment of the City's stormwater management goals and standards, and meet all other applicable requirements of Section 28.090. Private stormwater management facilities and systems must meet all requirements of the Stormwater Manual.